

CITY AND COUNTY OF SWANSEA

MINUTES OF THE GENERAL LICENSING COMMITTEE

**HELD AT COMMITTEE ROOM 1 - CIVIC CENTRE SWANSEA ON
FRIDAY, 22 AUGUST 2014 AT 10.00 AM**

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)	Councillor(s)	Councillor(s)
A C S Colburn	P Lloyd	T H Rees
D W Cole	K E Marsh	H M Morris
P Downing (Vice Chair)	B G Owen	

53 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors A S Lewis and C E Lloyd.

54 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTEREST.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

55 **MINUTES:**

RESOLVED that the Minutes of the meeting of the General Licensing Committee held on 25 July, 2014 and the Special General Licensing Committee held on 31 July, 2014 be approved as a correct record, with apologies for absence being recorded for Councillor T H Rees on 31 July, 2014.

56 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 -
APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE, SEAT
ALHAMBRA, REGISTRATION MARK KW53 JBV - MR D JONES.**

Members inspected the vehicle.

The Divisional Officer, Licensing, Food and Safety advised that an application for a restricted private hire vehicle licence had been received from Mr D Jones. The vehicle was a green Seat Alhambra, Registration Mark KW53 JBV and is capable of carrying 6 passengers.

Members noted the background, relevant issues in relation to Hackney Carriage vehicles, Department for Transport - Taxi and Private Hire Licensing; Best Practice Guidance; March 2010 and legislation relating to the licensing of private hire vehicles.

Members asked questions of the Officer who responded accordingly.

Members asked questions of Mr D Jones who responded accordingly.

RESOLVED that the application made by Mr D Jones for a restricted private hire vehicle licence in respect of the green Seat Alhambra, Registration Mark KW53 JBV for the purposes of airport travel and school contracts only be **APPROVED** subject to officers of the Authority's Licensing Department checking to ensure the marks have been removed from the seats and a new rear plate attached to the vehicle and that the license to be renewed on merit.

57 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE, FORD TRANSIT TOURNEO, REGISTRATION MARK CV08 DCU - MR J L GREY.**

Members inspected the vehicle.

The Divisional Officer, Licensing, Food and Safety advised that an application for a restricted private hire vehicle licence had been received from Mr James Grey. The vehicle is a White Ford Transit Tourneo, Registration Mark CV08 DCU and is capable of carrying 8 passengers.

Members noted the background, relevant issues in relation to Hackney Carriage vehicles, Department for Transport - Taxi and Private Hire Licensing; Best Practice Guidance; March 2010 and legislation relating to the licensing of private hire vehicles.

RESOLVED that the application made by Mr J Grey for a restricted private hire vehicle licence in respect of the White Ford Transit Tourneo, Registration Mark CV08 DCU for the purposes of airport travel and school contracts only be **APPROVED** and renewed on merit.

58 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY CARRIAGE VEHICLE - TOYOTA YARIS.**

Members Inspected the vehicle.

The Divisional Officer, Licensing, Food and Safety advised that a request in principle had been received from Mr Terrance Brophy for Members to determine the suitability of a black Toyota Yaris Icon Plus, 1400cc petrol engine vehicle for use as a hackney carriage vehicle to carry four passengers.

Members noted the powers relating to the licensing of hackney carriage vehicles, existing licensing criteria and Department for Transport - Taxi and Private Hire Licensing; Best Practice Guidance; March 2010

Members asked questions of the Officer who responded accordingly.

Members asked questions of Mr Brophy who responded accordingly.

RESOLVED that the request in principle made by Mr Brophy to use a black Toyota Yaris Icon Plus, 1400cc petrol engine vehicle for use as a hackney carriage vehicle to carry four passengers be refused.

Reasons:

1. Members took account of the relevant legislation, the Council's hackney carriage vehicle conditions and the information provided by Mr Brophy in answer to questions. The vehicle did not comply with the Council's current hackney carriage vehicle conditions with regards the requirement that the engine capacity of the vehicle shall not be less than 1500cc, and the Members were not satisfied there was any good reason to depart from the same;
2. Having inspected the vehicle Members were also not satisfied that the space allocated for passengers and a reasonable amount of luggage was sufficient. Members had particular regard to hackney carriage vehicle conditions 12 and 20, requiring respectively that all vehicles must be constructed and maintained to be safe and comfortable and that the vehicle must be able to accommodate a reasonable amount of luggage at all times.

59 **EXCLUSION OF THE PUBLIC.**

The Committee was requested to exclude the public from the meeting during the consideration of the items of business identified in the recommendations to the report on the grounds that it involved the likely disclosure of exempt information as set out in the exclusion paragraph of 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation)(Wales) Order 2007, relevant to the item of business as set out in the report.

The Committee considered the Public Interest Test in deciding to exclude the public from the meeting for the item of business where the Public Interest Test was relevant, as set out in the report.

It was **RESOLVED** that the public be excluded for the following item on the agenda.

(CLOSED SESSION)

60 **EQUALITY ACT 2010 - PASSENGERS IN WHEELCHAIRS - REQUEST FOR AN EXEMPTION CERTIFICATE - MN.**

The Divisional Officer, Licensing, Food and Safety detailed the background details in respect of MN's request.

MN outlined the background details and circumstances of his request and answered Members' questions.

RESOLVED that MN's request for an exemption from carrying wheel chair users in his hackney carriage vehicle be **APPROVED** and such exemption be valid for the period until 22 February 2015.

61 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - RH.**

The Divisional Officer, Licensing, Food and Safety detailed the background details in respect of RH.

Members asked questions of the Officer who responded accordingly.

RH outlined the background details and circumstances relating to the offences and answered Members' questions.

RESOLVED that RH's application to renew his hackney carriage and private hire driver's licence be **APPROVED** and;

1. a final warning be issued to RH regarding his future conduct;
2. No further action be taken in relation to RH'S vehicle licence.

62 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE - LMJ.**

The Divisional Officer, Licensing, Food and Safety detailed the background details in respect of LMJ.

LMJ outlined the background details and circumstances relating to the offences and answered Members' questions.

RESOLVED that LMJ's application for the grant of a hackney carriage and private hire driver's licence be **REFUSED**.

REASONS:

1. The Members had regard to the matters set out in the report of the Divisional Officer, Licensing, Food and Safety, including the relevant legislation in respect of the grant of such a licence and the Councils' adopted guidelines on the relevance of convictions, together with the oral representations made by LMJ.

2. Members were not satisfied that the applicant is a fit and proper person to hold such a licence by reason of his offending history. In particular Members were concerned as to the nature and number of convictions for violent offences including criminal damage, dishonesty and serious motoring offences. Whilst some of the convictions were of an age that meant they fell outside the guidelines in relation to relevance of convictions, Members were concerned with the overall pattern of offending behaviour and repeat offending. Whilst Members took on board the explanations given by the applicant in relation to some of the offences they could not be satisfied of his propriety to be licenced as a driver.

The meeting ended at 11.25am.

CHAIR